

## REMARKS

Claims 14 and 17-20 are pending in the present application.

In the above amendments, claim 14 has been amended. Claims 1-13, 15-16 have been canceled without prejudice.

*Claim Rejections – 35 USC § 103*

Claims 7, 9-14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walton, U.S. Patent No. 5,621,723 (Walton) in view of Raith, U.S. Patent No. 5,930,706 (Raith).

With reference to independent claim 14, Walton and Raith, individually or collectively, do not teach or suggest certain claimed features.

In particular, with reference to independent claim 14, Walton and Raith, individually or collectively, do not teach or suggest within the claimed context of a method in a base station at least the claimed features of “comparing a frame error rate of each of said subchannel signals with a frame error rate threshold for said generating said power control message” (emphasis added) as set forth in the last two lines of the claim.

As recognized by the examiner on page 3 of the office action, Walton does not teach comparing a frame error rate with a frame error rate threshold. The examiner relies upon Raith to cure this deficiency of Walton by referring to column 18, lines 28-49 of Raith.

Raith simply teaches that a frame error rate is determined by a mobile station. Hence, assuming arguendo that Walton and Raith could be combined, the combination still does not teach nor suggest within a claimed context of a base station, the claimed features of “comparing a frame error rate of each of said subchannel signals with a frame error rate threshold for said generating said power control message” (emphasis added) as set forth in the last two lines of claim 14.

The pending dependent claims are each allowable at least for the reasons given above with regard to independent claim 14.

**REQUEST FOR ALLOWANCE**

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: April 13, 2007

**By: /Won Tae C. Kim/  
Won Tae C. Kim, Reg. # 40,457  
(858) 651 - 6295**

QUALCOMM Incorporated  
5775 Morehouse Drive  
San Diego, California 92121  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502